

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of Advanced Television Systems)
and Their Impact upon the) MB Docket No. 87-268
Existing Television Broadcast Service)

**COMMENTS OF CBS CORPORATION ON EIGHTH FURTHER NOTICE OF
PROPOSED RULE MAKING**

CBS Corporation (“CBS”), the ultimate owner of WPCW, Jeannette, Pennsylvania (the “station”), submits these comments in support of the Commission’s proposal, in its *Eighth Further Notice of Proposed Rulemaking* (the “Notice”)¹ in the above docket, to allot Channel 11 to WPCW as the station’s post-transition digital frequency, with the technical facilities and site location specified in Appendix G to the *Notice*.

The background is as follows. On February 15, 2006, the Commission released its *Report and Order* amending the DTV Table of Allotments to substitute Channel 49 for Channel 30 as the digital frequency of WPCW (formerly WNPA), and reallocating DTV Channel 49 from Johnstown, Pennsylvania to Jeannette.² In so doing, the Commission

¹ *Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking*, MB Docket No. 87-268, *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, 2007 FCC LEXIS 5822 (released August 6, 2007).

² *See, Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Johnstown and Jeanette, Pennsylvania)*, MB Docket No. 05-

also approved new technical parameters for the station's digital operation, including changes in its transmitter power, antenna height, and transmitter site location, all of which had been requested on behalf of the station in an amended petition for rulemaking filed by WPCW's then-licensee on August 14, 2001.³ However, while taking account of the channel change granted by the *2006 Report and Order*, the Proposed DTV Table appended to the Commission's *Seventh Further Notice of Proposed Rulemaking* ("*Seventh Further Notice*")⁴ listed the same technical parameters for WPCW's post-transition digital operation as the ones assigned to the station for use *during* the transition (on Channel 30) by the 1997 DTV Table of Allotments.⁵ CBS accordingly filed comments requesting that the parameters for WPCW specified in the Proposed DTV Table be revised to conform to those approved in the *2006 Report and Order*.⁶ The requested facilities included the site location specified in the *2006 Report and Order*, at coordinates 40-23-34 N. and 79-46-54 W.

52, 21 FCC Rcd 1350 (released February 15, 2006) (the "*2006 Report and Order*").

³ *Amended Petition for Rulemaking and Request for Expedited Action of Paramount Stations Group of Pittsburgh Inc.*, filed August 14, 2001.

⁴ *Seventh Further Notice of Proposed Rulemaking* in MB Docket No. 87-268, *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, 21 FCC Rcd 12100 (2006).

⁵ *See, Sixth Report and Order*, MM Docket 87-268, *In the Matter of Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, 12 FCC Rcd 14588, Appendix B (1997).

⁶ *Comments of CBS Corporation on Seventh Further Notice of Proposed Rulemaking*, MB Docket No. 87-268, at 8-10 (filed January 25, 2007) ("*CBS Opening Comments*").

Larry L. Schrecongost, (“Schrecongost”), licensee of Class A television station WLLS-CA, Indiana, Pennsylvania, filed reply comments in opposition to CBS’s request.⁷ Schrecongost had previously filed a petition for reconsideration of the *2006 Report and Order* -- as well as various petitions to deny and motions to stay the issuance of a construction permit for WPCW’s digital facilities -- on the same grounds, namely, that the Commission’s amendment of the DTV Table of Allotments to specify Channel 49 as WPCW’s digital frequency violated the interference protection afforded Class A stations by the Community Broadcasters Protection Act.

In the *Eighth Further Notice*, the Commission stated that a WPCW operation on Channel 49 from the site approved in the *2006 Report and Order* would cause prohibited new interference to the post-transition digital facilities of two full-power stations, WTAP Parkersburg, West Virginia (post-transition digital channel 49) and WPXI, Pittsburgh, Pennsylvania (post-transition digital channel 48).⁸ The Commission accordingly proposed to allot Channel 11 to WPCW, on which it could broadcast from the site approved by the *2006 Report and Order* without causing prohibited interference to any station. The Commission also noted that this assignment would resolve the longstanding dispute between CBS and Schrecongost concerning the allocation of Channel 49 to WPCW.

CBS applauds the Commission for finding a solution to these issues that will benefit all parties. Broadcasting on Channel 11 will allow WPCW to broadcast from its

⁷ *Comments of Larry L. Schrecongost in Opposition to Notice of Proposed Rule Making*, MM Docket No. 05-52 (filed April 4, 2005).

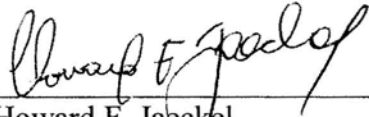
⁸ *Notice* at ¶ 152 .

desired site, thus providing improved service to its community of license. At the same time, the allocation of Channel 11 to WPCW will enable WLLS to remain on the air without incurring the expense of moving to new frequency. As a consequence, the Commission's resources, and those of the parties, will be conserved by putting an end to already-protracted litigation that threatened to drag out indefinitely in appeals before the Commission and the courts.

For these reasons, the Commission's proposal to allot Channel 11 to WPCW with the technical facilities specified in Appendix G of the *Notice* should be adopted.

Respectfully submitted,

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